



MONTGOMERY McCRACKEN

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March 15, 2023

Via ECF

Honorable Paul A. Engelmayer
United States District Judge
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: ***In re: One Apus Container Ship Incident on November 30, 2020***
1:22-md-03028-PAE (lead case)

Dear Judge Engelmayer,

We are attorneys for Chidori Ship Holding LLC and Jessica Ship Holding SA, making restricted appearances as owners and bareboat charterers, respectively, of the M/V ONE APUS. We write jointly on behalf of all Interests - Vessel, Cargo, and NVOCCs – to provide a status report pursuant to Order No. 4 (ECF Doc. 346).

Settlement discussions

Liaison Counsel for Vessel Interests and the Cargo Plaintiffs' Steering Committee have continued to correspond and meet. They have also independently had conversations with Liaison Counsel for NVOCCs.

These parties have narrowed themselves down to a handful of material issues that would impact a settlement of all the claims filed in the MDL actions and certain related claims that are not yet in suit. We already have agreement on some of these concerns. The parties are actively working on solutions to others. Admittedly, there is more work to be done to address these open concerns. However, the parties are already engaged in that process and, for the time being, believe that settlement is still a reasonable goal and possible outcome.

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Please bear in mind that certain unknowns at the moment make it difficult for Vessel Interests to accurately assess certain aspects of the various claims. Recognizing this predicament, the parties understand that the terms of a settlement framework and the overall percentage for settling claims are directly related. And, to the extent possible, the parties are already cooperatively working towards the exchange of additional information.

The parties plan to have another round of discussions before they can start drafting an enforceable settlement agreement. All of these efforts are still at the attorney level and will need to be considered by all of our respective clients.

Given the current state of ongoing settlement discussions, the parties believe that by the end of this month they will be closer to a final framework for resolution of the cargo claims and in a better position to advise on the prospects of a full settlement. Thus, they respectfully propose that they be permitted to provide a more detailed supplemental status letter to the Court on or before March 31, 2023.

We thank Your Honor for your consideration. If there are any questions or concerns, please do not hesitate to contact the undersigned.

Respectfully submitted,

**MONTGOMERY MCCRACKEN
WALKER & RHOADS, LLP**

/s/ Timothy Semenoro
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and

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CC by ECF to all counsel of record